

RETURN DATE: JULY 2, 2019

CHELSEY ZELASKO

VS.

GROVE SCHOOL, INC.

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SUPERIOR COURT

J.D. OF NEW HAVEN

AT NEW HAVEN

JUNE 3, 2019

COMPLAINT

1. This is an Action, pursuant to Conn. Gen. Stat. § 31-51q, to redress the Defendant, Grove School Inc.'s, unlawful and retaliatory termination of the Plaintiff, Chelsy Zelasko, on account of her exercise of her rights to freedom of expression articulated in the First Amendment to the United States Constitution and in Section 4, Article First of the Constitution of the State of Connecticut, which provides, "Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty."

2. Plaintiff, Chelsy Zelasko, was at all times relevant a resident of Madison, Connecticut.

3. Plaintiff is a registered Democrat, but in 2016 was a vocal supporter of Donald Trump's candidacy for President of the United States.

4. Plaintiff is a vocal proponent of 2nd Amendment rights.

5. The Defendant, Grove School, Inc., is a domestic corporation with a business address of 175 Copse Road, Madison, Connecticut, 06443. Defendant operates a private boarding and day school for students in Madison, Connecticut, The Grove School.

6. Beginning in 2016, the website "betterthantheweekend.com" began featuring a series of interviews and photography sessions with individuals throughout the country who were willing to be photographed partially nude and answer a series of

questions on topics about which interviewees were passionate. As the author and publisher of the pieces noted, the initiative was an effort to “inspire others to literally expose themselves for who they are and what they truly want out of life.”

7. In one of the pieces, an individual running for mayor in Scranton, Pennsylvania posed nude and answered a host of questions about his background, his motivations for running for mayor, the budget problems facing the city, and his vision for Scranton should he be elected. In another piece, an illegal immigrant posed nude and answered questions concerning his dream to be an American citizen, having fled El Salvador on account of it having been overrun by gangs and becoming rife with kidnappings and killings. In another of the articles, a 19-year old survivor of Stage 4 breast cancer likewise posed nude, and answered questions in an effort to inspire others who are facing monumental challenges in life.

8. In October of 2016, with the presidential election just weeks away, Plaintiff was interviewed and photographed by betterthantheweekend.com for a piece in the same vein as those referenced in Paragraphs 6 and 7.

9. On November 1, 2016, betterthantheweekend.com published the interview and photographs taken of Plaintiff in an article entitled, “Female Trump Supporter Gets Naked to Make America Great Again” (hereinafter, the “Article”).

10. In the Article, and in response to the interviewer asking her why she would put herself in a situation where people would judge her for posing nude, Plaintiff is quoted, in pertinent part, as follows: “[I]’m posing in what I consider to be a beautiful art form to show gratitude for the beautiful art form that is our democracy. Being able to vote for your leader is a big deal. The media has made this election out to be like a cage

fight, but the concept of voting for your president is beautiful and empowering, and that's why I'm doing this, to remind people of that."

11. In the Article's next question, the interviewer asks Plaintiff, "As a woman, you're okay with a president who has spoken negatively about women and joked about sexual assault?" Plaintiff, after relaying the fact that she, not unlike then-candidate Trump, had been party to crude conversations with her female peers in the past, conveyed, *inter alia*, that "We all talk or behave in some way that we wouldn't want the world to know. I think it's an unrealistic expectation to expect Donald Trump to fit the mold of a life-long traditional politician who has a background of treading carefully with what they say so they don't offend anyone."

12. Later in the interview, when asked to defend a Donald Trump policy which is important to her, Plaintiff responds by stating: "He's going to create jobs for the middle, working class by eliminating the ability to outsource jobs to other countries. He's going to protect the Second Amendment....He's going to protect my right to keep automatic weapons." Later in the interview, Plaintiff also expressed her support for then-candidate Trump's views on immigration policy.

13. The Article continues, quoting Plaintiff in response to questions about the implications of a Donald Trump presidency for Plaintiff personally, and alternatively, how she would feel if Hillary Clinton were to be elected. The Article concludes with Plaintiff conveying the following: "Not all Trump supporters disrespect our democracy. I love our democracy. As much as I want Trump to win, I don't care if a person votes for Hillary or votes for Trump. I just want to see people, especially millennials, go out and vote. If you

don't vote, you don't have the right to complain about who is in the White House or what they do. Voting is a right we should take advantage of and appreciate."

14. The Article's text is punctuated with six photographs of Plaintiff partially nude, which depict her covering her private areas with either American flags or firearms.

15. Within days of its publications, the Article had gone viral, having been featured on local TV news stations and in other online publications under titles such as "Pa. Democrat Bares All to Get Votes for Donald Trump" and "Pennsylvania Trump Fan Disrobes Online to Encourage Voting."

16. Plaintiff's participation in the aforesaid interview, the photography session, and the publication of the Article, as aforesaid, was an exercise of Plaintiff's fundamental free speech rights, on topics of clear public concern.

17. Two and a half years following the publication of the Article, and on or about February 1, 2019, Plaintiff commenced her employment with the Defendant as an art teacher and counselor.

18. At all times relevant, Plaintiff performed her job responsibilities well, and was a good employee, as evidenced by a lack of discipline, and positive oral feedback from her superiors, including Peter Chorney, Defendant's Executive Director.

19. On or about April 3, 2019, Mr. Chorney contacted Plaintiff via phone in order to speak with her concerning her continued employment with Defendant. During the course of the phone call, Chorney conveyed that the Article and related internet postings had been brought to his attention, and expressed concerns regarding the content of the Article, wherein Plaintiff had exercised her fundamental free speech rights.

20. The conversation concluded with Chorney conveying to Plaintiff that it would be in Plaintiff's best interests to resign from Grove School on account of the content of the Article.

21. In response, and via email, Plaintiff conveyed, *inter alia*, that "I am not going to resign for expressing my views that I believe in and exercising my constitutional rights. I don't see how the views I express in these articles interfere[] with my ability to perform any of the functions of my job in any way, as I have been doing so without issue through the present. If you do not want me at the school anymore, please let me know but I intend on being at school on Monday to perform my job duties unless you tell me otherwise."

22. In response, Peter Chorney conveyed to Plaintiff, *inter alia*, that "The issue is about role-modeling for emotionally fragile kids and holding oneself to a higher standard as an educator. Your credibility is now a major concern."

23. In a subsequent letter, and on or about April 5, 2019, Defendant terminated Plaintiff's employment. In the termination letter, Peter Chorney describes the Article and its contents, noting, "We viewed and read these postings and saw that some photos use assault weapons to cover your private parts. In one photo you are covering your breasts with American flags and sticking out your tongue."

24. The letter continues, wherein Mr. Chorney conveys, "We did not know about these postings when you were hired, so seeing and reading them came as quite a shock. We asked you to resign but you refused. You then sent me an email portraying this as a matter of your 'constitutional rights,' in which you were expressing your political views, and you stated 'I don't see how the views I express in these articles interferes

with my ability to perform any of the functions of my job in any way, as I have been doing so without issue through the present.”

25. The letter, addressed to Plaintiff, then goes on to note that “Although you have been a capable teacher so far, you can no longer serve that role for us...[W]e do not believe you can serve as a role model for these adolescents[, a]nd as a school with a public presence and a community identity, The Grove School cannot allow itself to be associated with this kind of behavior. We ask that you not contact our students or their families and that you not come onto our property without consent.”

26. Plaintiff’s exercise of her free speech rights, as aforesaid, and as guaranteed to her by the First Amendment and Section 4, Article First of the Constitution of the State of Connecticut, did not substantially interfere with her *bona fide* job performance or the working relationship between herself and Defendant.

27. Defendant terminated Plaintiff’s employment on account of her exercise of her rights to freedom of expressions, and in particular, her fervent support for then-candidate Donald J. Trump, her vocal promotion of 2nd Amendment Rights, her stance on immigration issues, and the artistic expression depicted in the Article’s accompanying photographs, all in violation of Conn. Gen. Stat. § 31-51q.

28. As a result of Defendant’s unlawful retaliatory conduct, Plaintiff has sustained lost wages, has sustained significant emotional distress, has been deprived of the benefits of gainful employment into the future, and has incurred or will incur attorneys’ fees and costs, all to her loss and detriment.

WHEREFORE, Plaintiff prays for the following relief:

1. Money damages;
2. Allowable costs;
3. Reinstatement or front pay;
4. Punitive damages;
5. Reasonable attorneys' fees; and
6. All other awardable relief the Court deems just and proper.

PLAINTIFF,
CHELSY ZELASKO

By: 

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STATEMENT OF AMOUNT IN DEMAND

The amount in demand exceeds \$15,000.00, exclusive of interests and costs.

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